

Judge Hellerstein

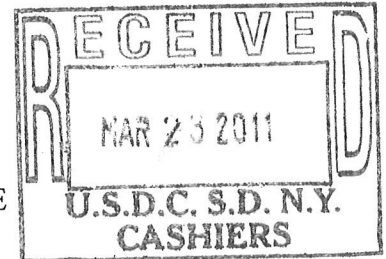
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROBERT A. STROMSTED, :  
 :  
 : Plaintiff, :  
 :  
 : vs. :  
 :  
 : HNTB CORPORATION, :  
 :  
 : Defendant. :  
 :  
 -----X

Case No.:

ECF CASE



**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant HNTB Corporation ("HNTB" or "Defendant"), by its undersigned attorneys, pursuant to 28 U.S.C. §§ 1441, et seq., hereby removes this action styled *Robert A. Stromsted v. HNTB Corporation*, and designated Index No. 650669/2011 to the United States District Court for the Southern District of New York from the Supreme Court of the State of New York, County of New York, in which the action is now pending. In support of this removal and pursuant to 28 U.S.C. § 1446, HNTB states:

1. Plaintiff filed his Complaint (hereinafter "Complaint") in this action against HNTB on March 14, 2011. A copy of the Complaint is attached hereto as Exhibit 1 and is incorporated by reference. The Complaint was served on HNTB on March 17, 2011.

2. This is an action of a civil nature in which the district courts of the United States have been given original jurisdiction pursuant to 28 U.S.C. § 1332 in that there

exists diversity of citizenship between Plaintiff and HNTB, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

3. Under the provisions of 28 U.S.C. §1441 et seq., the right exists to remove this cause of action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, which embraces the place where this action is pending.

4. HNTB is now, and was at the time this action commenced, a Delaware corporation with its principal place of business in Kansas City, Missouri. *See* Exhibit 2, Missouri Secretary of State Business Entity Search.

5. Plaintiff is, and was at the time this action commenced, a resident of Connecticut, residing at 19 Hunt Street, Rowayton, Connecticut 06853. *See* Exhibit 1, Complaint, ¶ 2.

6. In the Complaint filed in the Supreme Court of New York, County of New York, Plaintiff asserts that the actions of HNTB have prohibited Plaintiff from earning a living in his chosen profession or finding suitable employment. *See* Exhibit 1, Complaint, ¶¶ 25–26.

7. At the time Plaintiff's employment at HNTB was terminated, he was earning well in excess of \$75,000.00 annually.

8. Plaintiff's Complaint, therefore, asserts that the actions of HNTB have prohibited, or will prohibit, him from earning an annual salary that exceeds the required minimum amount in controversy. *See Paduano & Weintraub LLP v. Wachovia Sec.*, 185 F. Supp. 2d 330, 332–33 (S.D.N.Y. 2002) ("Where injunctive relief is at issue, the value of the right protected or the injury sought to be avoided, constitutes the measure of the

amount in controversy”) (internal citation omitted); *Sarfraz v. Vohra Health Services, PA*, 663 F. Supp. 2d 147, 151 (E.D.N.Y. 2009) (holding that the amount in controversy requirement was satisfied because, if non-competes were enforced, plaintiffs would be prohibited from earning salaries in excess of \$75,000.00).

9. Because this is a civil action in which the Defendant corporation and the Plaintiff are citizens of different states, and the amount in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs, there is original jurisdiction under 28 U.S.C. § 1332, and this case may be removed to this Court under 28 U.S.C. § 1441.

10. This Notice of Removal is filed thirty (30) days within receipt of the Summons and Complaint by service upon HNTB.

11. A copy of the Notice of Filing of Notice of Removal directed to the Supreme Court of the State of New York, County of New York, and counsel for Plaintiff is attached as Exhibit 3 and is incorporated by reference.

12. A copy of the Civil Cover Sheet submitted to this Court is attached as Exhibit 4 and is incorporated by reference.

13. All other relevant pleadings and orders are attached as Exhibit 5 and are incorporated by reference.

WHEREFORE, for the above-stated reasons, Defendant prays that Civil Action Index No. 650669/2011 now pending in the Supreme Court of the State of New York, County of New York, be removed to this Court without delay.

Respectfully submitted,

LATHROP & GAGE LLP

By: Suzanna M. M. Morales  
Suzanna Morales SDNY Bar #SM-0629  
230 Park Avenue, Suite 2400  
New York, NY 10169  
Telephone: (212) 850-6251  
Facsimile: (212) 850-6221  
smorales@lathropgage.com

Michael J. Abrams MO Bar #42196  
Michael Lee MO Bar #63025  
2345 Grand Boulevard, Suite 2200  
Kansas City, MO 64108  
Telephone: (816) 292-2000  
Facsimile: (816) 292-2001  
mabrams@lathropgage.com  
mlee@lathropgage.com

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that, on this 23rd day of March, 2011, the foregoing was hand delivered, addressed as follows:

Steven A. Berger  
Thomas E. Hone  
1633 Broadway, 46<sup>th</sup> Floor  
New York, NY 10019  
(212) 319-1900

Suzanna M. M. Morales  
Attorney for Defendant